

REMARKS

With this amendment, claims 1-25 remain in the application. Claims 7, 8, and 21 are original claims. Claims 1-6, 9-20 and 22 are currently amended. Claims 23-25 are new claims.

Claim 1 is amended for clarity and to correct typographical errors. The preamble is amended to clarify that the apparatus is a breathing apparatus for providing a rebreathable air mixture. Support for this amendment is found throughout the specification, for example in the first line of the abstract.

Claim 1 is further amended by deleting the language following introduction of the directional valve "allowing single direction flow of air" as redundant in view of the element being a "directional valve." Support for this amendment is found, for example, on page 4, 8th line from the bottom (the valves "insure a one way passage of air through the conduits").

Claim 1 is also amended by deleting the language to the reservoir being of variable volume to clarify the scope of the claimed invention, as further clarified by newly added claims 23-25, that recite a reservoir volume that is constant (claim 23), selectably adjustable by a user (claim 24), or variable (claim 25). Claims 23-25 all depend from claim 1. Support for these amendments is found throughout the specification that indicates the reservoir volume that is a variable volume is an embodiment.

Support for claim 23, a reservoir volume that is constant is found in the sentence spanning pages 4-5 ("volume of . . . reservoir . . . determined by volume inside the telescoping sidewalls"). Accordingly, in an embodiment the reservoir volume is constant.

Support for claim 24, a reservoir volume that is "selectably adjustable by a user" is found on page 7, 1st paragraph, lines 1-6 ("this change in [reservoir] volume is of course adjustable by the user").

Support for claim 25, a reservoir volume that is variable is found on page 4, line 3 of the paragraph bridging pages 4-5 ("variable sized . . . reservoir").

Claim 2 is amended to depend from new claim 25. Support for this amendment is found, for example in the original claim 2.

Claim 3 is amended for clarity.

Claims 4-6, 9-12 are amended for grammar and clarity.

Claims 13 and 14 are amended for grammar and to clarify the chamber is the CO₂ absorption chamber.

Claims 15 and 16 are amended by deleting the phrase "communicated to said user from said inspiratory path" to improve clarity.

Claims 17 and 18 are amended for clarity.

Claims 19 and 20 are amended for consistency with claim 1 by deleting the word "breathing."

Claim 22 is amended for clarity by deleting "to said case". Support for attaching the canister to the aperture end is found in the paragraph that bridges pages 5 and 6.

CONCLUSION

None of the amendments made herein constitutes the addition of new matter. The amendments as presented herein are believed allowable and in condition for allowance. Accordingly, entry of these amendments and allowance is respectfully requested.

It is believed that this amendment necessitates the payment of three additional dependent claim fees at \$25 each, for a total of \$75. No additional fees are believed necessary. Accordingly, the United States Patent and Trademark Office is authorized to deduct the \$75 fee from deposit account 07-1969. If this fee is incorrect, please deduct any required fee, or credit any overpayment, to deposit account 07-1969.

Respectfully submitted,



Gary B. Chapman
Reg. No. 51,279
Customer No. 23713

GREENLEE, WINNER AND SULLIVAN, P.C.
4875 Pearl East Circle, Suite 200
Boulder, CO 80301
Telephone: (303) 499-8080
Facsimile: (303) 499-8089
E-mail: winner@greenwin.com
Attorney Docket No. 52-05